

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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JOANNA DANUTA MARUSZAK)	EXTENSION OF TIME
Plaintiff,)	TO SERVE DEFENDANT
v.)	DARIUSZ ROBERT
)	MARUSZAK IN
DARIUSZ ROBERT MARUSZAK)	POLAND
Defendant)	
)	Civil Action No.
<hr/>		08-CV-3978 (GEL)
		ECF CASE

Plaintiff Joanna Danuta Maruszak, upon the attached Affirmation of Ivo George Caytas, Esq. of August 12, 2008, and upon all proceedings in this case to date, respectfully moves this Court for an Order extending by 120 days (*i.e.*, from August 26, 2008 until December 24, 2008) the statutory time of 120 days to serve upon the defendant Dariusz Robert Maruszak in Poland a copy of the Summons and Complaint in this matter, and for such other and further relief as this Court may deem just and proper.

Therefore, Service pursuant to the Hague Convention On The Service Abroad Of Judicial and Extrajudicial Documents in Civil and Commercial Matters, 20 U.S.T. 1361, 658 U.N.T.S. 163, T.I.A.S. No. 6638, 16 I.L.M. 1339 (1977), 28 U.S.C.A. (Appendix following Rule 4 Fed R. Civ. Proc) (the “Hague Service Convention”) was the only proper method available to effect service upon the defendant Dariusz Robert Maruszak. The service agent of the U.S. Central Authority under the Hague Service Convention has advised plaintiff upon inquiry that the Polish authorities may take up to six months to return proof of service.

The Complaint was filed on April 28, 2008 and the statutory period of 120 days for service will expire on August 26, 2008.


This motion is made *ex parte* because the defendant Dariusz Robert Maruszak has not acknowledged service and has not otherwise appeared in this action to date.

NO PRIOR RELIEF OF THE NATURE SOUGHT HERewith HAS BEEN REQUESTED.

Respectfully submitted,

Dated: August 12, 2008

By: _____


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